IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.584 OF 2004

A.G.Karkhanis ...Petitioner

Versus

Union of India
and 4 Ors. ...Respondents.

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Mr.Vasant Kotwal, Senior Advocate i/b. Shaunak Satpute & Co. for the Petitioner.

Mr.J.C.Satpute, Counsel for Respondent No.1-U.O.I.

Mrs.M.M.Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : DECEMBER 22, 2006.

P.C.:

1. Heard Mr.Kotwal, the learned Senior Advocate for the Petitioner, Mr.Satpute, the learned Counsel for Respondent No.1-Union of India, and Mrs.Deshmukh, the learned APP for the State.

2. The Petitioner is seeking quashing of Criminal Case Nos.S/887 to S/918 wherein he was an accused. The said cases were pending before the learned Additional Chief Metropolitan Magistrate,

47th Court, Esplanade, Mumbai. The said cases are under Section 276B read with Section 278B of the Income Tax Act, 1961.

3. The learned Advocate for the Petitioner states that during pendency of the present Petition, the assessee company made an application dated 29.06.2005 to the Office of the Chief Commissioner of Income Tax-IV, Mumbai requesting for compounding of the offence. Admittedly, the fees for compounding has been paid. Mr.Satpute, the learned Counsel for Union of India admits that pursuant to the said application, the Chief Commissioner of Income Tax-IV, Mumbai vide order dated 8th May, 2006, in exercise of powers under Section 279(2) of the Income Tax Act, compounded the offence punishable under Section 276B read with Section 278B of the Income Tax Act.

4. In view of this fact, nothing survives in the complaints and hence the pending criminal cases stand quashed.

5. Writ Petition is accordingly disposed of.

(SMT.V.K.TAHILRAMANI,J.)